

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOSHUA GARTON,)
Plaintiff,)
v.) Case No. _____
W. RAY CROUCH, et al.) Judge Trauger
Defendants.)

**MOTION TO DISMISS OF
DISTRICT ATTORNEY GENERAL W. RAY CROUCH**

Defendant District Attorney General W. Ray Crouch moves for dismissal of this case pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted. As grounds for dismissal, Defendant asserts lack of jurisdiction pursuant to the *Rooker-Feldman* doctrine and failure to state a claim based on absolute prosecutorial immunity.

In support of his motion to dismiss, General Crouch has concurrently filed a Memorandum of Law. For the reasons set forth above and more fully discussed in the accompanying Memorandum of Law, Defendant General Crouch respectfully requests that the Court grant his motion to dismiss.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

By: /s/ Mary Elizabeth McCullohs
Mary Elizabeth McCullohs, BPR No. 026467
Senior Assistant Attorney General
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202-0207

(615) 741-8126
mary.mccullohs@ag.tn.gov

Attorney for Defendant W. Ray Crouch

CERTIFICATE OF SERVICE

I hereby certify that, on May 28, 2021, a true and correct copy of the foregoing *Motion to Dismiss* was served via the CM/ECF upon the following:

Daniel A. Horwitz
Lindsay B. Smith
Horwitz Law, PLLC
4016 Westlawn Dr.
Nashville, TN 37209

Attorneys for Plaintiff

Amanda S. Jordan
Meghan Murphy
Senior Assistant Attorneys General
Civil Law Division
P.O. Box 20207
Nashville, TN 37202-0207

*Attorneys for Defendants Nealon, Winkler,
Melton, and Craig*

/s/ Mary Elizabeth McCullohs